

Appln No. 09/711,648
Amdt date October 13, 2005
Reply to Office action of June 13, 2005

REMARKS/ARGUMENTS

Claims 1-20, 23-28, 30-35, 39 and 42-47 now remain pending in this application. By this amendment, Applicants have canceled claims 21, 22 and 29, amended claims 1, 9 and 23, and added new claims 42-47. Applicants canceled claims 36-38, 40 and 41 in a previous amendment. The amendments and new claims find full support in the original specification, claims and drawings. No new matter is presented. Applicants respectfully submit that all of pending claims 1-20, 23-28, 30-35, 39 and 42-47 are now in condition for allowance. Accordingly, Applicants respectfully request reconsideration and a timely indication of allowance.

In the Office action dated June 13, 2005, the Examiner rejected claims 1, 5-12, 17-20, 23, 27, 28, 32, 33 and 39 under 35 U.S.C. § 103(a) as allegedly obvious over Edwards, et al. (U.S. Patent No. 5,435,805)("Edwards '805") in view of Gough, et al. (U.S. Patent No. 5,810,804). However, Applicants have amended each of independent claims 1, 9 and 23 to recite an injection catheter having an injection needle whose distal end can extend distally out either the distal end or the distal face of the catheter body or tip section in a direction along the longitudinal axis of the catheter body or tip section. These features are neither taught nor suggested by either Edwards '805 or Gough. Rather, Edwards '805 discloses stylet ports located in the *side wall* of the stylet guide housing and proximal the distalmost end of the probe. This configuration precludes the stylets from extending either distally out the distal end or distal face of the probe or extending in a direction generally parallel to a longitudinal axis of the probe.

Furthermore, Edwards '805 focuses primarily on ablating prostatic tissue in and around the urethra. As such, an injection needle, such as recited in any of claims 1, 9 and 23 of the present application, that extends distally beyond the distal end of the probe in a direction along a longitudinal axis of the probe would not be suitable for ablating prostatic tissue. Instead, such an injection needle would undesirably extend into the bladder or simply fail to contact, much less puncture and ablate any prostatic tissue in or around the urethra.

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Gough fails to remedy the deficiencies of Edwards '805 as Gough discloses an ablation apparatus having an electrode with sideports through which probes are extended. Like the stylets in Edwards '805, the probes in Gough do not extend distally from the distal end or distal face of the electrode. Rather, the distal end of the electrode in Gough houses a cooling medium and is closed with a cap. As such, independent claims 1, 9 and 23, and all claims dependent therefrom, including claims 2-8, 10-20, 24-28, 30-35, 39 and new claims 42-47 are allowable over Edwards '805 and Gough.

The Examiner also rejected claims 2-4, 21, 24-26 and 29 either under 35 U.S.C. § 102(b) as allegedly anticipated, or under 35 U.S.C. § 103(a) as allegedly obvious over Edwards '805. However, each of claims 2-4 and 24-26, as well as new claims 42-47 depend from either independent claim 1, 9 or 23, each of which are allowable over Edwards '805 as discussed above. Accordingly, each of claims 2-4, 21, 24-26 and 29, as well as new claims 42-47 are also allowable over Edwards '805.

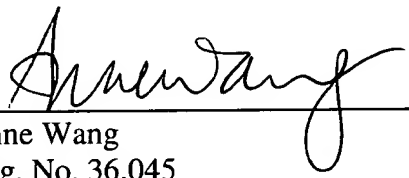
Finally, the Examiner rejected claims 12-16, 30, 31, 34 and 35 under 35 U.S.C. § 103(a) as allegedly obvious over Edwards '805 in view of Edwards, et al. (U.S. Patent No. 5,559,294)("Edwards '294") and further in view of Edwards, et al. (U.S. Patent No. 5,370,675)("Edwards '675"). However, neither Edwards '294 nor Edwards '675 remedy the deficiencies of Edwards '805. Like Edwards '805, each of Edwards '294 and Edwards '675 discloses stylet ports located in the *side wall* of the stylet guide housing and proximal the distalmost end of the probe. As such, independent claims 1, 9 and 23 are allowable over Edwards '805, Edwards '294 and Edwards '675. Claims 12-16, 30, 31, 34 and 35, as well as new claims 42-47 each depend from either independent claim 1, 9 or 23, and are therefore allowable on that basis.

In view of the above amendments and remarks, Applicants respectfully submit that all of pending claims 1-20, 23-28, 30-35, 39 and 42-47, as amended, are in condition for allowance.

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Applicant therefore respectfully requests a timely indication of allowance. However, if there are any remaining issues that can be addressed by telephone, Applicants invite the Examiner to contact the undersigned at the number below.

Respectfully submitted,
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